

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEWAYNE M. WRIGHT,

Defendant.

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8:14CR326

ORDER

This matter is before the court on the motion of the defendant DeWayne M. Wright (Wright) for determination of competency pursuant to 18 U.S.C. § 4241 (Filing No. 13). The court held a hearing on the motion on January 8, 2015. Appearing at the hearing were the defendant, his retained counsel, James M. Davis, and Assistant U. S. Attorney Meredith B. Tyrakoski.

During the hearing, counsel for Wright represented Wright had previously been diagnosed with a bipolar disorder and paranoid schizophrenia. He further represented Wright had reported hearing voices while detained pending these charges. The government had no objection to the motion. For good cause shown, the motion for a determination of competency will be granted.

Wright has also filed a Notice of Mental Condition Bearing On Issue Of Guilt and an Intent to Rely on an Insanity Defense pursuant to Fed. R. Crim. P. 12.2 (Filing No. 14). At the hearing on January 8, 2015, the government requested that a mental responsibility evaluation pursuant to 18 U.S.C. § 4242 occur simultaneously with the competency evaluation pursuant to 18 U.S.C. § 4241. The defendant had no objection to the request. The request for a dual examination will be granted.

IT IS ORDERED:

1. Defendant's motion for a determination of competency (Filing No. 13) is granted.
2. The government's request for a mental responsibility examination is granted.

3. **Pursuant to 18 U.S.C. §§ 4241 and 4242**, the defendant is committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time:

a. not to exceed thirty (30) days, to determine whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and

b. not to exceed forty-five (45) days, to evaluate the mental responsibility of the defendant at the time of the offense charged in the indictment.

4. Separate psychiatric or psychological reports as to competency and mental responsibility shall be filed with the court with copies provided to counsel of record at the completion of the periods of examination.

5. Upon receipt by the court and counsel of the examination reports, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of the defendant to stand trial in this matter.

DATED this 8th day of January, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge